



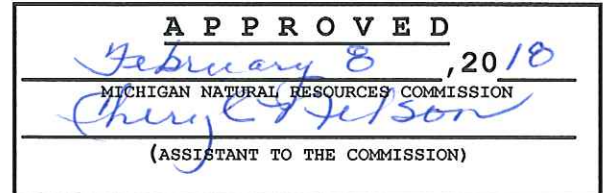
RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: November 13, 2017
RESUBMITTED: December 18, 2017
RESUBMITTED: January 16, 2018



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Common Merganser Control Permit and Regulations
Wildlife Conservation Order Amendment No. 1 of 2018

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Research has found an association between Common Mergansers and the lifecycle of swimmer's itch. Swimmer's itch is a skin irritation that is caused by the larvae of a parasitic flatworm that is fairly common in many northern Michigan lakes. The flatworm parasite (schistosome) lives as an adult in a suitable host such as waterfowl (the definitive host). The adult worm lays its eggs which are released into the water through the host's feces where they hatch into a free-swimming stage called miracidium. The miracidium then enter particular species of snails which serve as intermediate hosts where the miracidium develop further. After that, another free-swimming stage called cercariae emerges from the snail in search of another definitive host such as waterfowl. Sometimes cercariae encounter swimmers instead of birds, and penetrate into their skin and die, causing a painful itch.

Previous research has indicated that Common Mergansers are a definitive host for the swimmer's itch schistosome on several northern Michigan lakes. Common Mergansers were found to have much higher parasite loads than other waterfowl species. Researchers have also found that reducing the number of hours Common Mergansers spend on a lake (e.g., through capture and relocation) can reduce the number of infected snails. Since the cercariae from the snail infects humans, fewer infected snails may result in less cases of swimmer's itch.

For several years, lakeshore residents and lake associations from several northern Michigan lakes have expressed interest in controlling Common Merganser populations on their waterbodies and requested permission to trap and relocate, destroy eggs and nests, and harass Common Mergansers. The Department engaged with these stakeholders over the last several years to understand and address their concerns. In 2014, the Department permitted a three-year research study on a comprehensive Common Merganser control pilot program on Higgins Lake to

evaluate the efficacy of control activities. Following that program, the Department conducted a pilot control program in 2017 with five lakes: Higgins Lake, Glen Lake, Crystal Lake, Lake Leelanau, and Lime Lake. For the 2017 program, the Department received a federal permit from the U.S. Fish and Wildlife Service and issued letters of authorization to lakes and contractors to trap and relocate 400 Common Mergansers. The participating lakes saw a decline in snail infection rates and have asked to continue control activities. In addition, other lakes have contacted the Department about similar activities.

The Legislature has also expressed an interest in control activities. Public Act 107 of 2017 included a one-time appropriation of \$250,000 for a swimmer's itch pilot program. This appropriation is used to fund research and implement Common Merganser control efforts.

The Common Merganser is afforded protection under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703–712). Accordingly, Common Merganser, their nests, and their eggs cannot be taken, possessed, imported, exported, transported, purchased, bartered, destroyed, or offered for sale without a federal permit. To implement a permitting process, the Department will exercise its regulatory authority for resolving Common Merganser-human conflicts through the Wildlife Conservation Order (WCO) and in compliance with 50 CFR 21.27. In addition, the Common Merganser is a game species in Michigan and subject to the authority delegated to the Natural Resources Commission regarding method and manner of take.

By implementing a regulatory and permit process for the control of Common Mergansers, the Department intends to meet the interests of multiple stakeholders, specifically associated with swimmer's itch, while protecting Common Merganser populations. Specifically, the Department proposes issuance of site permits to private landowners, lake associations, municipalities, and public agencies, along with permits to nuisance animal control firms and agencies for the capture and relocation of Common Merganser, egg and nest removal, and harassment with lethal reinforcement under specific criteria. This permitting process is part of a broader Common Merganser Control Policy and Procedure in development by the Department. By proposing these recommendations, the Department intends to have a program in place before spring of 2018.

Issues Pros and Cons

Common Mergansers have many values associated with them, including hunting and viewing. Some people may be concerned that relocating Common Merganser will harm the waterfowl or their ducklings. In addition, some people who visit lakes that have conducted relocations may miss seeing the migratory birds. The Department does not expect relocating Common Merganser to have a negative effect on the overall Michigan population. In addition, relocation will be regulated to ensure a very limited amount of incidental take. Non-lethal harassment activities have been found to be effective in some instances in deterring Common Mergansers from establishing nests on lakes. However, occasionally, lethal take is used to reinforce harassment activities. Some people may find activities, whether incidental or intentional, that result in the death of a Common Merganser unacceptable.

Biological

The Department does not expect the proposed permitted activities to have a significant impact on the overall Michigan population of Common Merganser. In Michigan, the Common Merganser

population has increased according to the Michigan Breeding Bird Survey. They are found on many northern Michigan waterways.

Social

Swimmer's itch is a concern for many lake residents and communities, and they are working on developing a science-based swimmer's itch program that includes education and outreach, prevention, control, and monitoring. Lake residents are interested in breaking the cycle of the swimmer's itch parasite, and controlling Common Mergansers is one aspect of a comprehensive swimmer's itch control program.

The Department has been communicating with lake associations from Higgins Lake, Glen Lake, Crystal Lake, Lake Leelanau, and Lime Lake; researchers/contractors; the Michigan Swimmer's Itch Partnership; and Tip of the Mitt Watershed Council.

The Department met with the above groups in February 2017 to frame the issue and understand a diversity of stakeholder interests. This meeting was followed up by a July 2017 meeting with the same stakeholder groups to review a draft Common Merganser policy and provide input on the development of the policy. Not only do these groups support a Common Merganser Control Policy, but they have asked the Department to provide a framework for permitting control activities. The draft policy will be sent out to a broader group of stakeholders in the coming months to provide an opportunity for public input.

Economic

The Department proposes the following fees to be implemented with the permitting process that are consistent with the Canada Goose control program and activities. The proposed annual fee for a Nuisance Animal Control firm or agency to obtain a Common Merganser control permit is as follows:

- \$200 fee for permit to conduct Common Merganser nest and egg destruction
- \$200 fee for permit to conduct harassment activities with lethal reinforcement
- \$300 fee for permit to capture and transport Common Merganser
- \$500 fee for Contractor Permit to conduct all Common Merganser control

The proposed annual fee for a private landowner, lake association, municipality, and public agency to obtain a Common Merganser site permit is as follows:

- \$100 for single family residence
- \$200 for all others

Swimmer's itch currently is a problem for lakes in northern Michigan. The Department expects that the fees associated with the permit will offset some of the administrative costs to the Department. In addition, Public Act 107 of 2017 included a one-time appropriation of \$250,000 which funded research and implementation of Common Merganser control efforts.

The Department received feedback from lake residents and lake association that one of the reasons they need to control swimmer's itch (and therefore mergansers) is because of the economic impacts. Tourism on lakes with swimmer's itch outbreaks is impacted because less people want to swim on the lake, rent boats, and reserve marina slips. Lakefront homeowners

also see a decline in their property values because a lake with frequent swimmer's itch infections is less desirable.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on December 14, 2017, at the Natural Resources Commission meeting. This item appeared on the Department's November, December, and January calendars and may be eligible for approval on February 8, 2018.



Russ Mason, Ph.D., Chief
Wildlife Division



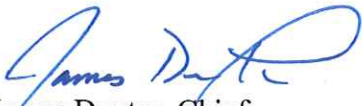
Gary Hagler, Chief
Law Enforcement Division



Deb Begalle, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division



William O'Neill
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



Keith Creagh, Director

2/8/18

Date

WILDLIFE CONSERVATION ORDER

Amendment No. 1 of 2018

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective February 9, 2018, the following section(s) of the Wildlife Conservation Order shall read as follows:

5.51 Damage and nuisance animal control permit, issuance, release requirements, reporting; exceptions.

Sec. 5.51 (1) Except as provided by subsections (4) and (8), a damage and nuisance animal control permit shall be required by anyone to prevent or control, by shooting, trapping or otherwise, the depredations of animals at a time or in a manner not otherwise permitted by law or order.

(2) A department conservation officer or wildlife biologist shall make an investigation upon complaint of any person allegedly suffering damage caused by wild birds or wild mammals and may issue a damage and nuisance animal control permit, unless the following conditions apply:

(a) The permit is issued under sections 5.51b, 5.51d, 5.52, 5.52b, 5.52d, and 5.53 of this order.

(b) A public safety issue exists as determined by a department wildlife management regional supervisor or district law enforcement supervisor or their designee and requires immediate permit issuance.

(3) At the time of such investigation, the complainant shall furnish the department investigator with a written statement, on forms provided for this purpose by the department, indicating the location, extent, kind, and approximate value of the property allegedly damaged, destroyed, or in danger of being damaged or destroyed, the kind and number of animals believed to be doing the damage and such other information as may be required.

(4) If results of the department's investigation warrants control of the animal(s) involved, the department investigator may, except for horticultural or agricultural damage caused by deer, issue a permit to authorize control of the animal(s) by shooting, trapping, or other means as specified on the permit.

(a) A permit to control horticultural or agricultural damage caused by deer may be issued by the department's investigator per section 5.41 of this order.

(b) A permit to control deer or other wildlife at an airport may be issued by a department wildlife management regional supervisor or district law enforcement supervisor or their designee without an investigation to address a public safety issue.

(5) A permit shall be issued only to bona fide landowners or lessees, or their designated agents, and shall not be transferable.

(6) Except for animals protected by part 365, endangered species protection, 1994 PA 451, nonlethal means of harassment to deter or prevent damage to private property, such as noise makers or scare devices; exclusion devices, such as fences or screening; and other recognized and recommended means of preventing damage which do not kill, harm, capture, trap, or collect animals shall not require a permit.

(7) All animals taken under the authority of a permit shall be reported to the department in the manner specified on the permit.

(8) All animals taken under the authority of a permit shall be properly cared for and disposed of as directed by the permit or this order.

(9) A live raccoon captured under a damage and nuisance animal control permit shall be possessed and released only as follows:

(a) A raccoon, if released, shall be released only in the same county where captured and, if held in captivity, shall be isolated in a manner to prevent physical contact with any animal not originating from the same county. Each cage shall be tagged by the permittee with the county of origin and date of capture.

(b) A cage and area used to hold raccoon(s) for release shall be constructed of materials that can be effectively disinfected.

(c) If a raccoon has come into physical contact with a raccoon originating from another or unknown county of origin, both raccoons shall be isolated from physical contact with other raccoons and humanely euthanized within 24 hours of exposure.

5.51c Damage and nuisance animal control permit, common merganser site permit issuance; definitions.

(1) For the purposes of sections 5.51c and 5.51d of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a site permit for common merganser issued under the authority of the department's federal special purpose permit.

(b) "Permittee" means a person who has applied for and been issued a site permit by the department.

5.51d Damage and nuisance animal control permit; common merganser, eggs, nests, site permit, requirement, issuance, reporting.

(1) For permission to capture and relocate common merganser, destroy common merganser eggs and nests, or conduct harassment activities with lethal reinforcement under the authority granted to the state of Michigan by the federal special purpose permit a permittee must:

(a) Provide a letter of authority documenting the swimmer's itch lifecycle present on the lake, as described in the department's policy and procedures for common merganser control.

(b) Provide the name of a department permitted nuisance animal control businesses, public nuisance animal control agency, or non-profit nuisance animal control organization to conduct merganser control activities.

(c) Provide the department with one of the following:

(i) A petition requesting common merganser control signed by a minimum of 70 percent of the riparian landowners on the involved water body.

(ii) A resolution for common merganser control from a governmental agency representative of the riparian landowners.

(iii) Proof of sole riparian ownership of the body of water.

(c) Make application for and be issued a common merganser site permit by the wildlife permit specialist on a form provided by the department at the fees noted in section 5.110 (11).

(d) Submit an annual report as required by section 5.54 of this order.

(2) A common merganser site permit shall be valid for no more than three years or until the control needs are no longer applicable. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive a permit for a period of one year.

(3) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

(4) Permits shall be issued only to landowners, lessees, or lake representatives and shall not be transferable.

5.52 Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations, permit issuance; requirements.

Sec. 5.52 The department's wildlife permit specialist may issue a permit to a reputable nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization for the purpose of taking certain animals causing damage to personal or real property. A person issued a permit under this section is subject to all of the following requirements:

(1) Permits shall expire on the third March 31 after the date of issue, except as noted in section 5.52b and 5.52d of this order.

(2) Permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures at any time of year within cities, villages, or townships closed to hunting or prohibiting the discharge of firearms. In other areas of the state, permittees may, upon verifying the complaint of any person suffering damage or nuisance, effect control measures from April 1 to September 30. Notwithstanding the other provision of this subsection, permittees may, upon verifying a complaint of damage or nuisance, effect control measures at any time of year within the curtilage of the complainant. For the purposes of this subsection, "curtilage" means the dwelling house, associated buildings, and associated yard used for domestic purposes. Control measures in areas and at times not otherwise provided by this subsection shall only be initiated on those complaints referred to the permittee by a wildlife biologist or conservation officer.

(3) Permittees shall be authorized to undertake control measures on the premises of the complainant for the control of bats that are not threatened or endangered and the control of coyote, fox, weasels, mink, raccoon, skunk, opossum, woodchuck, badger, muskrat, squirrels, ground squirrels, rabbits, English sparrows, feral pigeons, starlings, and crows. Permittees shall also be authorized to undertake control measures on the premises of the complainant on beaver on private lands in zone 3 during the closed season; however, beaver shall not be live trapped and relocated or translocated without authorization of the wildlife management unit supervisor. Control of damage by other wildlife shall be undertaken only as authorized by a wildlife biologist or conservation officer. Control of damage caused by protected migratory birds shall require a federal permit, except as noted in section 5.52b and 5.52d of this order.

(4) To effect control measures, permittees may use foothold traps, body gripping or conibear type traps, live traps, firearms if possessed and used in compliance with all applicable state, local, and federal firearm laws and colony or multiple-catch traps for species other than muskrat. Colony traps may be used for muskrat if used in compliance with subsection 3.600(5). To affect control measures, permittees may also use snares the entire year if one or more of the following conditions are met:

(a) Permitted species is within the curtilage of the complainant.

(b) Permitted species is trapped upon the premises of the complainant in completely submerged underwater sets.

(c) For the control of fox and coyote outside the curtilage upon the premises of the complainant in the Lower Peninsula if the snare meets the requirements of subsection 3.609(2), subdivisions (b) through (j).

(5) Permittees may sell live nuisance feral pigeons live trapped during legitimate nuisance control operations.

(6) A dead animal taken by means other than pesticides during the open season for that animal may be disposed in any manner provided by section 4.3 of this order if the person disposing of the animal is licensed to take the animal under part 435, hunting and fishing licensing, of the natural resources and environmental protection act, 1994 PA 451.

(7) Non-profit nuisance animal control organizations shall comply with all rules and regulations for permittees. The permit shall be issued in the name of an official of the organization. The person to whom the non-profit nuisance animal control permit is issued shall not authorize any employee or volunteer of the organization to undertake control measures without providing the employee or volunteer a copy of the permit countersigned by that person. An employee or volunteer undertaking nuisance animal control measures shall produce a copy of the countersigned permit upon demand of a police or peace officer.

(8) All live traps, foot-hold traps, and other catching devices which are designed and used in a manner to trap or capture animals alive shall be checked daily. All traps and catching devices used under the authority of a permit

issued under this section shall be marked as provided by section 3.600, subsections (2) and (3), except that the trap or catching device shall be marked "permit no." followed by the permittee's permit number, and the business name, and business phone number of the permittee.

(9) Captured animals shall not be released from or upon a public roadway or right of way. Captured animals shall not be released upon the lands of another person, whether private or public lands, without the consent of the landowner or land manager.

(10) All animals, which the permittee is authorized to take, shall be taken and disposed of in a manner to ensure humane handling or killing. Captured animals shall not be held longer than 24 hours unless requested by a department representative, or by a physician or public health official for public health reasons. Captured animals shall not be euthanized except by methods recommended and approved by the department.

(11) Any control measures undertaken by the permittee shall be considered a contractual agreement between the permittee and the complainant. The cost of control effected under the authority of a permit is the responsibility of the permittee.

(12) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

5.52c Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; common merganser control permit, definitions.

(1) For the purposes of sections 5.52c and 5.52d of this order, the terms in this section shall have the meaning ascribed to them in this section.

(a) "Permit" means a common merganser control permit issued under the authority of the department's federal special purpose permit.

(b) "Permittee" means a nuisance animal control business, public nuisance animal control agency, or non-profit animal control agency who has applied for and been issued a common merganser control permit by the department.

5.52d Nuisance animal control businesses, public nuisance animal control agencies and non-profit nuisance animal control organizations; common merganser control permit, requirements, issuance, reporting.

(1) To capture and relocate common merganser or destroy common merganser eggs and nests under the authority granted to the state of Michigan by the federal special purpose permit, a permittee must:

(a) Make application for and be issued a common merganser control permit by the wildlife permit specialist as instructed by the department at the fee noted in section 5.110 (12).

(d) Submit an annual report as required by section 5.54 of this order.

(2) An annual common merganser control permit shall be valid for one year. Failure of the permittee to comply with the permit provisions will make the permittee ineligible to receive common merganser control permits for a period of one year.

(3) To capture, transport, and relocate common merganser a permittee must:

(a) Ensure that the landowner, land lessee, or representative of the site from which common mergansers are to be removed holds a valid permit under section 5.51d of this order.

(b) Conduct all control activities in compliance with the department's policy and procedures for common merganser control.

(4) To conduct egg and nest destruction out of natural cavities, the permittee must:

(a) Verify that the landowner, land lessee, or representative of the site from which eggs or nests are to be removed holds a valid permit under section 5.51d of this order.

(b) Adhere to recommended methods for destruction as provided by the department's policy and procedures for common merganser control.

(c) Refrain from any egg and nest disturbance or destruction of eggs and nests in artificial nest boxes.

(5) To conduct harassment activities with lethal reinforcement, the permittee must:

(a) Obtain a letter of authorization from the department to conduct a limited amount of take.

(b) Verify that the landowner, land lessee, or representative of the site from which common merganser will be harassed holds a valid permit under section 5.51d of this order.

(c) Adhere to recommended methods for harassment as provided by the department's policy and procedures for common merganser control.

(6) The department shall not be liable for any damage suffered by a complainant as a result of the performance of the permittee operating under the authority of a permit.

5.110 Special permits; fees; disposition.

Sec. 5.110 The following fees are established for permits issued by the director:

(1) A fee of \$100 shall be collected for each taxidermy permit issued. Taxidermy specimen identification tags shall be \$10 per fifty.

(2) A fee equivalent to the fee charged for a resident antlerless deer hunting license shall be collected for each managed deer hunting permit.

(3) An annual fee of \$200 shall be collected for a site permit to participate in the capture and holding of Canada geese, as specified in section 5.51b of this order, except as follows:

(a) An annual fee for a single family residence shall be \$100.

(4) An annual fee of \$300 shall be collected for a site permit to participate in the transport of Canada geese as specified in section 5.51b of this order.

(5) An annual fee of \$200 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52b of this order:

(a) Capture, holding or killing of Canada geese.

(b) Destruction of Canada goose nests and eggs.

(6) An annual fee of \$300 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the transport of Canada geese as specified in section 5.52b of this order.

(7) A fee of \$100.00 shall be collected for each falconry permit issued as described in section 10.3(7) of this order.

(8) A fee of \$10 shall be collected for each deer management assistance permit purchased by a permittee.

(9) All moneys received from the sale of permits and licenses as provided in this section shall be turned over to the state treasurer and credited to the game and fish protection fund.

(10) No fee shall be collected for any of the following permits:

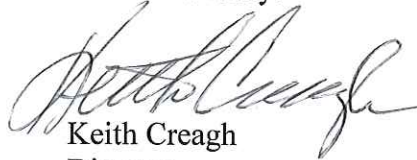
- (a) Highway killed deer/bear permit.
 - (b) Deer damage shooting permit.
 - (c) Damage and nuisance animal control permit, except as noted in section 5.110(3) and section 5.110(4) of this order, including disease control and disease control replacement permits.
 - (d) Rehabilitation permit.
 - (e) Permit to take game with a crossbow.
 - (f) Permit to hunt from a standing vehicle.
 - (g) Permit to hunt using a laser sighting device.
- (11) A fee of \$200 shall be collected for a common merganser site permit as specified in section 5.51c of this order, except as follows:
- (a) A fee for a single family residence shall be \$100.
- (12) An annual fee of \$500 shall be collected from a nuisance animal control business, public nuisance animal control agency, or non-profit nuisance animal control organization to participate in the following, as specified in section 5.52d of this order, except as follows:
- (a) An annual fee for the capture and transport only of common merganser shall be \$300.
 - (b) An annual fee for the egg and nest destruction of common merganser shall be \$200.
 - (c) An annual fee for the harassment of common merganser with lethal reinforcement shall be \$200.

Issued on this 8th day of February, 2018.

Approved as to matters over which the Natural Resources Commission has authority.


Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.


Keith Creagh
Director

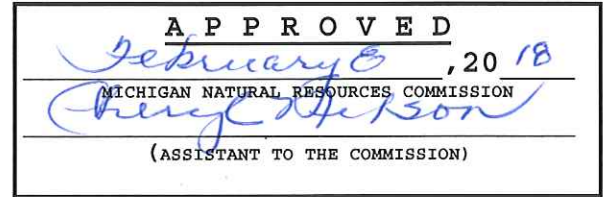
STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: December 18, 2017
RESUBMITTED: January 16, 2018



MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Falconry Regulations
Wildlife Conservation Order Amendment No. 2 of 2018

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to manage wild animals in this state.

Discussion and Background:

Current falconry regulations have been in place since 2015. There are several specific practices covered in falconry regulations: live take of raptors from the wild for use in falconry, care of birds used in falconry, and training and permitting required of falconers. Further, the take or possession of species covered by the Migratory Bird Treaty Act is governed by the state and federal regulations. As of 2010, the U.S. Fish and Wildlife Service (FWS) authorized the Department to issue falconry permits without requiring the concurrent approval of the FWS. The Department is, however, still required to fully implement federal falconry regulations within the Wildlife Conservation Order to remain compliant with federal regulations.

The proposed changes are intended to standardize and simplify some regulations and to allow for additional recreational opportunity.

Raptors for Educational Purposes:

Current regulations allow a general or master falconer to utilize raptors held under a falconry permit for educational purposes. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose must be under control of the falconer at all times. In order to allow for consistency between federal and state regulations and to allow additional opportunities for falconers, the Department proposes allowing an apprentice falconer to utilize raptors held under a falconry permit for educational purposes under the direct supervision of a general or master falconer.

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Issues Pros and Cons

Allowing an apprentice falconer to utilize raptors held under a falconry permit for educational purposes while under the direct supervision of a general or master falconer will provide additional educational opportunities for apprentice falconers to learn more about falconry and raptor care, husbandry, and behavior. In addition, this proposal will align with federal regulations.

At the apprentice level, falconers have less than 24 months of experience with training raptors and are still learning and practicing the handling, caring for, and training of raptors. These are all skills and abilities that are utilized during educational programs.

Neighboring States

The Department has polled natural resources professionals in Illinois, Indiana, Ohio, and Wisconsin regarding similar falconry regulations. The results were the following:

- Illinois: Does not prohibit public educational presentations and other educational uses of raptors held on a falconry permit in accordance with Federal regulations.
- Indiana: An apprentice class license holder may present conservation programs only under the direct supervision of a general or master class license holder.
- Ohio: A general or master class falconry permit holders may promote the sport of falconry, including the use of birds held under their permit for not-for-profit educational presentations.
- Wisconsin: General and master falconers may use raptors they hold in conservation education programs without additional permits.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club and the Michigan Audubon Society are supportive of this change.

Economic

The Department does not expect any economic impacts.

Permanent Relocation to Michigan:

Nonresidents may possess, transport, and use raptors for falconry purposes if the nonresident has a federally recognized falconry permit. Nonresidents permanently relocating to Michigan may obtain a Michigan falconry permit upon completion of a Department supervised exam or documentation of prior falconry experience, and inspection of the applicant's falconry facilities.

In order to properly administer this process, the Department proposes that nonresident falconers obtain a Michigan falconry permit within 45 days of permanently relocating to Michigan.

Issues Pros and Cons

Requiring nonresident falconers to obtain a Michigan falconry permit within 45 days of permanently relocating to Michigan will provide better consistency and better administration of the falconry program. In addition, this proposal will align with federal regulations. There may be some confusion and problems associated with obtaining a Michigan falconry permit within 45 days of permanently relocating to Michigan. The Department hopes to receive better records and to promote compliance with the process.

Neighboring States

The Department has polled natural resources professionals in Illinois, Indiana, Ohio, and Wisconsin regarding similar falconry regulations. The results were the following:

- Illinois: A nonresident falconer who possesses a falconry permit issued by another state may transport and possess legally possessed raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any raptor is to be brought into Illinois for more than 30 days.
- Indiana: If an individual holding a valid falconry license from another jurisdiction within the United States moves to Indiana bringing raptors possessed under that license, the individual must notify the department of the address change and apply for an Indiana falconry license within 30 days.
- Ohio: General or master class falconers who have relocated from out of state may apply for an Ohio falconry permit when evidence of a previous falconry permit is presented and upon payment of the permit fee.
- Wisconsin: A nonresident falconer who possess a falconry permit issued by another state and moves to Wisconsin shall apply for a Wisconsin falconry permit and state on the application that they are transferring their permit from out of state.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club and the Michigan Audubon Society are supportive of this change.

Economic

The Department does not expect any economic impacts.

Capturing a Raptor from the Wild:

Federal regulations allow another person to capture a raptor for a permittee if the permittee reports taking the bird from the wild. This would occur, for example, if another person climbs a tree or rappels down a cliff and takes a nestling for the permittee and gives it to the permittee at the tree or cliff. The permittee must be present at the capture site.

The Department proposes that if a licensed falconer is present at the capture site, another person may capture the raptor for the licensed falconer provided that the other person gives the raptor to

the licensed falconer at the capture site. The licensed falconer is considered the person who removes the raptor from the wild and is responsible for all reporting requirements.

Issues Pros and Cons

This proposal lets another individual capture a raptor in the wild for a licensed falconer. There may be a variety of reasons why a licensed falconer wouldn't be able to capture a raptor from the wild, e.g., long-term or permanent physical impairment that prevents the licensed falconer from attempting to capture a raptor species to use for falconry. This also gives an opportunity for the licensed falconer to educate the individual capturing the raptor about the handling, caring for, and training of raptors.

This proposal may result in enforcement complexity, because the individual taking the raptor from the wild on behalf of the permittee may not be a licensed falconer. This may cause some confusion as Michigan falconry regulations state that a person may possess a raptor for falconry purpose provided that the individual obtains a falconry permit. This proposal would be an exception to the regulation.

Neighboring States

The Department has polled natural resources professionals in Illinois, Indiana, Ohio, and Wisconsin regarding similar falconry regulations. The results were the following:

- Illinois: A capture permittee who is present at the capture site and immediately receives a captured raptor from another permittee is considered to be the person who removed the raptor from the wild.
- Indiana: Raptors may be taken by an individual other than the license holder if the license holder is present at the capture site.
- Ohio: It is unlawful to capture a raptor for another person.
- Wisconsin: Raptors cannot be captured unless the individual holds a falconry permit.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club and the Michigan Audubon Society are supportive of this change.

Economic

The Department does not expect any economic impacts.

Inspection Requirements:

The Department proposes that before a falconry permit is issued, a Department conservation officer or the Wildlife Division permit specialist inspect and approve an applicant's raptor housing facilities and falconry equipment.

The Department also proposes that a licensed falconer who moves to a new residence or changes location of their facilities within the State of Michigan prior to the permit's expiration date must notify the Wildlife Division permit specialist in writing within five business days and request inspection of the facilities. In addition, the Wildlife Division permit specialist will determine the type of inspection that is needed for the facilities.

Issues Pros and Cons

Allowing the Wildlife Division permit specialist to inspect a facility will help with the work load of inspecting facilities.

Requiring permittees to notify the Department of new facility changes will help the Department keep up-to-date records. In addition, this will allow the Wildlife Division permit specialist to determine what kind of inspection (pictures or physical inspection) is needed for the moved or new facilities. This will help with administering the facility inspections and the Department hopes to receive better records with this new process.

Neighboring States

The Department has polled natural resources professionals in Illinois, Indiana, Ohio, and Wisconsin regarding similar falconry regulations. The results were the following:

- Illinois: Permittees who move to a new residence or change the location of their facilities within the State of Illinois prior to the permit's expiration must notify the Department in writing within five days and request inspection of any new facilities by a representative of the Department.
- Indiana: The license holder must inform the Department within five business days if the location of the housing facilities has changed. Inspections may be made at any reasonable time by a conservation officer.
- Ohio: A permit shall not be issued unless the applicant has adequate facilities and equipment, inspected and approved by a representative of the division of wildlife as meeting federal and state regulations.
- Wisconsin: A permittee shall report a change of location of falconry facilities to the bureau within 10 days of the change. Inspections may be made in the presence of the permittee during business hours on any day of the week.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club and the Michigan Audubon Society are supportive of this change.

Economic

The Department does not expect any economic impacts.

Administrative Changes:

The Department proposes changing the due date for the limited raptor capture permit application from January 15 to December 1. This will align with the current start date of trapping season.

Issues Pros and Cons

This will allow the Department to properly approve a permit before the permittee can trap a raptor in the wild during trapping season. It will also eliminate problems associated with submitting applications during the trapping season.

There may be some confusion associated with applying for a raptor capture permit before the start of the trapping season. The Department hopes to promote compliance with the process.

Biological

The Department does not expect a biological impact.

Social

The Michigan Hawking Club and the Michigan Audubon Society are supportive of this change.

Economic

The Department does not expect an economic impact.

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on January 11, 2018, at the Natural Resources Commission meeting. This item appeared on the Department's December 2017 calendar and may be eligible for approval on February 8, 2018.



Russ Mason, Ph.D., Chief
Wildlife Division



Gary Hagler, Chief
Law Enforcement Division



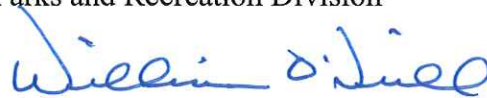
Deb Begalle, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



James Dexter, Chief
Fisheries Division

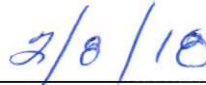


William O'Neill
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.



Keith Creagh, Director



Date

WILDLIFE CONSERVATION ORDER

Amendment No. 2 of 2018

By authority conferred on the Natural Resources Commission and the Director of the Department of Natural Resources by sections 40107 and 40113a of 1994 PA 451, MCL 324.40107 and 324.40113a, it is ordered that effective February 9, 2018, the following section(s) of the Wildlife Conservation Order shall read as follows:

10.3 Falconry permit; application; examination; unlawful acts.

Sec 10.3 (1) An applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination approved by the service and administered by the department. The examination shall relate to basic biology, care and handling of raptors, pertinent literature, laws and regulations, or other appropriate subject matter. Upon passing the falconry examination, the applicant is eligible to become an apprentice falconer.

(2) A Michigan resident may possess, transport, and use raptors for falconry purposes provided the individual obtains a falconry permit from the wildlife division permit specialist. Applications shall be made on forms provided by the wildlife division permit specialist. Applications made by falconers under the age of 18 must be cosigned by a parent or legal guardian who is legally responsible for the activities of the falconer.

(3) A nonresident may possess, transport, and use raptors for falconry purposes provided the individual possesses a federally recognized falconry permit. A nonresident may obtain a falconry permit from the wildlife division permit specialist upon successful completion of a department supervised examination or documentation of prior falconry experience, and inspection of the applicant's falconry facilities. Applications made by falconers under the age of 18 must be cosigned by a parent or legal guardian who is legally responsible for the activities of the falconer.

(a) If an individual holding a valid falconry license from another jurisdiction within the United States moves to Michigan bringing raptors possessed under that license, the individual shall within 45 days:

- (i) notify the department of the address change;
- (ii) apply for a Michigan falconry license under this chapter; and
- (iii) maintain a valid falconry license.

(b) An individual applying for a license under section 10.3(3)(a) may retain possession of raptors while applying for a license.

(4) There shall be 3 classes of falconry permits. They shall be known as apprentice falconer, general falconer, and master falconer permits. The qualifications for each class of permits are:

(a) Apprentice falconer permit:

- (i) An apprentice falconer shall be at least 14 years old.
- (ii) An apprentice falconer, regardless of age, must have a sponsor, who is a general or master falconer with at least 2 years' experience at the general falconer level.
- (iii) An apprentice must provide a current sponsorship agreement to the wildlife division permit specialist.
- (iv) A sponsor shall not have more than 3 apprentices at any one time.

(v) An apprentice falconer shall not possess more than 1 federally protected raptor and shall not obtain more than 2 federally protected raptors for replacement during any 12-month period beginning January 1 of each year.

(vi) An apprentice falconer shall possess only an American kestrel (*Falco sparverius*) or a red-tailed hawk (*Buteo jamaicensis*) which must be taken from the wild in a state where lawful. An apprentice falconer shall not possess an imprinted raptor.

(vii) An apprentice falconer shall not import or possess eyasses.

(b) General falconer permit:

(i) A general falconer shall be at least 16 years old.

(ii) A general falconer shall have at least 24 months of falconry experience as an apprentice, or the equivalent of 24 months of falconry experience as an apprentice if obtained prior to the year 1977, or the equivalent of 24 months of falconry experience as an apprentice if obtained in a foreign country.

(iii) An apprentice falconer, upon meeting the qualifications for a general falconer permit, must make a written request to the wildlife division permit specialist for a change in classification. This request must include a document from a general or master falconer stating that the applicant has practiced falconry with wild raptors as an apprentice falconer or equivalent for at least 24 months, including maintaining, training, flying, and hunting the raptor(s).

(iv) A general falconer shall not possess more than 3 federally protected raptors and shall not obtain more than 2 federally protected raptors taken from the wild for replacement during any 12-month period beginning January 1 of each year.

(v) A general falconer may not transport or possess a golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), or steller's sea eagle (*Haliaeetus pelagicus*).

(c) Master falconer permit:

(i) A master falconer shall have at least 5 years of falconry experience as a general falconer, or the equivalent of 5 years of falconry experience as a general falconer if obtained prior to the year 1977, or the equivalent of 5 years of falconry experience as a general falconer if obtained in a foreign country.

(ii) A general falconer, upon meeting the qualifications for a master falconer permit, must make a written request to the wildlife division permit specialist for a change in classification.

(iii) A master falconer shall not possess more than 10 federally protected raptors, of which no more than 5 may be wild federally protected raptors, and shall not obtain more than 2 federally protected raptors taken from the wild for replacement during any 12-month period beginning January 1 of each year. A master falconer may not possess more than 3 golden eagles taken from the wild.

(iv) A master falconer must make a written application on a form provided by the wildlife division permit specialist prior to possessing a golden eagle, white-tailed eagle, or stellar's sea eagle.

(5) As provided by part 435, hunting and fishing licensing, natural resources and environmental protection act, 1994 PA 451, MCL 324.43501 to 324.43561 an individual taking an animal with the use of a raptor is required to have a license for that species.

(6) A general or master falconer shall not transport or possess, any species not defined as a raptor, or any species listed as threatened or endangered by the department or service, for falconry purposes, except as provided by appropriate federal falconry regulations and by part 365, endangered species protection, of the natural resources and environmental protection act, 1994 PA 451, MCL 324.36501 to 324.36507.

(7) A falconry permit may be valid for 3 years, or from issue date through the third June 30 after issue. Falconers may request renewal of permit upon expiration without a facility inspection or test, except that renewal of a permit which has lapsed for 3 or more years requires inspection of the falconer's facilities and renewal of a permit which has lapsed for 5 or more years requires that the falconer take and pass the basic falconry exam as specified in section 10.3(1) of this order.

10.5 Facilities, inspections, equipment, maintenance, and care.

Sec 10.5 (1) Before a falconry permit is issued, an applicant's raptor housing facilities and falconry equipment shall be inspected and approved by a department conservation officer or wildlife permit specialist as meeting the following standards:

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(a) The raptor housing facility shall provide protection from the environment, predators, and undue disturbance. The facility may be classified as either indoor or outdoor and shall meet the following as applicable:

(i) An indoor facility (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than 1 raptor is kept in the mew, the raptors shall be tethered or separated by partitions, and the area for each shall be large enough to allow the raptor to fully extend its wings. Untethered raptors may be housed together if compatible with each other. If the raptors are untethered, all walls, including those that are not solid, must prevent ingress and egress. There shall be at least 1 window, which shall have vertical bars installed which are spaced narrower than the width of the smallest raptor housed with a secure door that can be easily closed. The floor of the mew shall permit effective cleaning and shall be well drained. At least one perch for each raptor shall be provided. Raptors may be kept in a falconer's place of residence without modification to windows or other openings of the structure. Raptors kept in a falconer's place of residence must be tethered when they are not being moved into or out of the location in which they are kept.

(ii) Outdoor facilities shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and attack by predators. The enclosed area shall be large enough to ensure the raptor(s) cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each raptor. At least one covered perch for each raptor shall be provided.

(iii) Raptors of a falconer may be temporarily held outside in the open only while under the watch of the falconer or the falconer's designee.

(b) The following equipment shall be in the possession of an applicant before a falconry permit shall be issued:

(i) Jesses—At least 1 pair of Aylmeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. Traditional, one-piece jesses may be used on raptors when not being flown.

(ii) Leashes and swivels—At least 1 flexible, weather resistant leash and 1 strong swivel of acceptable falconry design.

(iii) Bath container—At least 1 container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(iv) Outdoor perches—At least 1 weathering area perch of an acceptable design for each raptor.

(v) Weighing device—A reliable scale or balance suitable for weighing a raptor, graduated to increments of not more than 1/2 ounce (15 grams).

(c) All facilities and equipment shall be kept at or above the preceding standards at all times.

(d) Raptors held in captivity shall be handled in a sanitary and humane manner and kept free from parasites, sickness, or disease.

(2) Inspections may be made without advance notice at any reasonable time of day. Inspections must be conducted in the presence of the falconry permit applicant.

(3) Permittees who move to a new residence or change location of their facilities within the state of Michigan prior to the permit expiration must notify the wildlife division permit specialist in writing within 5 business days of moving to a new residence or changing location of their facilities and request inspection of the facilities. The wildlife division permit specialist will determine the type of inspection, consistent with the standards in section 10.5 of this order.

10.8 Other conditions or restrictions.

Sec 10.8 (1) A falconer shall obtain written authorization from the wildlife division permit specialist before any species not indigenous to Michigan is intentionally released for return to the wild. The federal marker from any indigenous or nonindigenous raptor to be intentionally released for return to the wild shall be removed and

surrendered to the wildlife division permit specialist. A standard federal bird band shall be attached to such raptors by a state- or service-authorized bird bander whenever possible.

(2) Feathers that are molted or those feathers from raptors held in captivity that die, may be retained and exchanged by falconers only for imping purposes.

(3) A general or master falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose shall at all times be under the control of the falconer.

(a) An apprentice falconer may utilize raptors held under a falconry permit or a federal raptor propagation permit for educational purposes without any additional permits if the apprentice falconer is under the direct supervision of a general or master falconer. Educational purposes include exhibitions of the practice of falconry and school or public displays where the biology of birds of prey is presented. Raptors used for this purpose shall at all times be under the control of the falconer.

(4) Any prey killed by a falconry bird without the intent of the falconer, including game animals taken outside of the legal season, may be consumed by the falconry bird, but shall not be possessed by the falconer.

(5) Any state or federally listed threatened or endangered species killed by a falconry bird must be reported by the falconer to the wildlife division endangered species coordinator and the carcass disposed of in a manner specified by the wildlife division endangered species coordinator.

(6) General and master falconers may release raptors in their possession for the purpose of falconry hacking.

(a) A falconry hacked raptor shall be included in the possession limit of the falconer who released the bird.

(b) Any hybrid raptor released for falconry hacking shall have two attached functioning radio transmitters during hacking.

(c) Raptors shall be falconry hacked at locations only where the hacked raptor is unlikely to harm a state or federally listed threatened or endangered species, as determined by the department's endangered species coordinator.

(7) A hybrid raptor shall have at least two attached radio transmitters while being flown free.

10.10 Raptor Capture

Sec. 10.10 (1) Except as provided in section 10.4 of this order, a licensed falconer shall not capture any raptor from the wild in the state of Michigan without first applying for and receiving either a general raptor capture permit or a limited raptor capture permit from the wildlife division permit specialist. Permits will be issued subject to all of the following requirements and conditions:

(a) The total number of raptors captured by all falconers, both resident and nonresident, in any one calendar year shall not exceed 87 and shall be limited to the following numbers and species:

(i) No more than 80 raptors in any combination of American kestrel (*Falco sparverius*), Cooper's hawk (*Accipiter cooperi*); red-tailed hawk (*Buteo jamaicensis*); sharp-shinned hawk (*Accipiter striatus*), and rough-legged hawk (*Buteo lagopus*). No more than ten American kestrels and ten rough-legged hawks may be captured.

(ii) No more than 4 northern goshawks (*Accipiter gentilis*).

(iii) No more than 2 great horned owls (*Bubo virginianus*).

(iv) No more than 1 snowy owl (*Nyctea scandiaca*).

(b) The total number of all raptors captured by nonresident falconers in any one calendar year shall not exceed 10, which may include no more than 2 goshawks and 1 great horned owl. Non-residents shall not capture snowy owls.

(c) Raptors shall not be captured except for use in falconry.

- (d) An individual who is not a licensed falconer shall not apply for a permit to capture a wild raptor.
- (e) There shall be 2 separate seasons open to capturing raptors statewide. A spring season will run from January 1 through July 19. A fall season will run from September 12 through December 31. Snowy owls may only be captured in the Upper Peninsula.
- (f) Catching devices used to capture a passage raptor must have the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the device permanently etched in the catching device, or there shall be securely fastened to each catching device a metallic plate or tag bearing the name and address in legible English or the complete Michigan driver license number of the user or individual possessing the catching device.
- (g) Only American kestrels (*Falco sparverius*) and great horned owls (*Bubo virginianus*) may be captured when over 1 year old.
- (h) Capturing raptors on state park and recreation areas shall take place only in areas where trapping is allowed as described in Chapter VII of this order.
- (i) Only licensed falconers may have direct contact with a raptor nest, except that if the licensed falconer is present at the capture site, another person may capture the raptor for the licensed falconer provided that the other person gives it to the licensed falconer at the capture site. The licensed falconer is considered the person who removes the raptor from the wild and is responsible for all reporting requirements.
- (j) Licensed falconers must be in compliance with section 73102 of 1994 PA 451, MCL 324.73102, when taking a raptor from the wild in the state of Michigan.
- (k) An eyas may be captured only if at least 2 healthy young raptors are left in the nest.
- (l) A licensed falconer shall make written application for a general raptor capture permit and the following provisions apply:
- (i) A licensed falconer may not possess more than one raptor capture permit to take a bird from the following list of species during any of the raptor seasons:
- (1) American kestrel.
 - (2) Cooper's hawk.
 - (3) Red-tailed hawk.
 - (4) Sharp-shinned hawk.
 - (5) Rough-legged hawk.
- (ii) General raptor capture permits for the calendar year shall not be issued between December 24 and December 31.
- (iii) A licensed falconer is responsible to maintain current contact information with the wildlife division permit specialist.
- (iv) A falconer who has legally captured a raptor may obtain another general raptor capture permit after submitting the used capture permit to the wildlife division permit specialist with the date of capture, species taken, and permittee's signature.
- (v) Unused general raptor capture permits may be revoked by the department after the total capture of raptors has reached 80 statewide and any catching device used under the authority of the permit shall be made inoperable and removed from the field within 24 hours of notification by the department.
- 31

(m) A licensed falconer shall make written application for a limited raptor capture permit and the following provisions apply:

(i) Limited raptor capture permits will be available for 4 northern goshawks, 2 great horned owls, and 1 snowy owl.

(ii) Permit applications must be submitted to the wildlife division permit specialist prior to December 1. A drawing will be used to identify successful applicants for the northern goshawk, great horned owl, and snowy owl capture permits. Successful applicants will be contacted by the wildlife division permit specialist.

(n) A licensed falconer shall report the capture of a raptor to the wildlife division permit specialist within 24 hours after the raptor is taken. A licensed falconer shall submit their used permit to the wildlife division permit specialist within 5 business days after the raptor is captured.

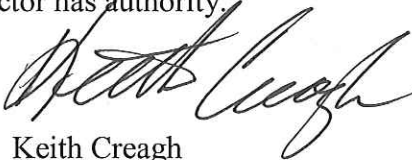
(o) A licensed falconer shall report the nest location from which an eyas is taken by county, township, range, and section, to the wildlife division permit specialist within 5 business days after the raptor is captured.

Issued on this 8th day of February, 2018.

Approved as to matters over which the Natural Resources Commission has authority.


Vicki L. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.


Keith Creagh
Director



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

January 16, 2018

TO: Keith Creagh, Director

INFORMATION: Natural Resources Commission

Transaction: State Forest Land Exchange
Baraga Management Unit – Houghton County
Triest Exchange
Land Transaction Case #20150156

Applicant: Greenleaf Timber Holdings, Inc., Powers, Michigan.

PA 240 of 2012: PILT Estimate: \$320.00. The parcels involved in the exchange are north of the Mason-Arenac county line and will result in no net change of counted acres.

Private Land Offered in Exchange: 80 acres

Location: Houghton County, Elm River Township, T51N, R35W, Section 17:
The S 1/2 of the SE 1/4.

Value: \$ 66,000.00
Payment at Closing: \$ 11,300.00

Total Compensation
To be Provided by
Applicant: \$ 77,300.00

State Land Desired in Exchange: 80 acres

Location: Houghton County, Laird Township, T51N, R35W, Section 22:
The S 1/2 of the SE 1/4.

Value: \$ 76,000.00

Authority: Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Notice: This item will appear on the Department of Natural Resources (Department) January 30, 2018, calendar and is eligible for approval on February 6, 2018.

Comments: The desired state land is adjacent to private ownership on three sides. The offered parcel is surrounded by state land on all four sides and contains over 1/2 mile of the west branch of the Otter River. An easement for ingress and egress will be retained over the existing Hazel Swamp Road

on the desired parcel in order to retain public access to adjacent state owned land.

The desired state land was acquired by tax reversion in 1939.

The state will convey mineral rights on the desired parcel and the applicant will convey mineral rights on the offered parcels.

The proposed land exchange was reviewed and recommended for approval by the Land Exchange Review Committee on December 17, 2015.

Engagement: Letters were mailed to Houghton County and Elm River Township notifying them of this exchange on November 28, 2017.

Recommendation(s):

1. That the exchange be approved, with the state reserving aboriginal antiquities.
2. That the offered land be dedicated as part of the Baraga Management Unit.



Russ Mason, Ph.D., Chief
Wildlife Division



Deb Begalle, Chief
Forest Resources Division



James L. Dexter, Chief
Fisheries Division



Ronald A. Olson, Chief
Parks and Recreation Division



William O'Neill
Natural Resources Deputy



Mark H. Hoffman
Chief Administrative Officer

I approve the staff recommendations.



Keith Creagh
Director

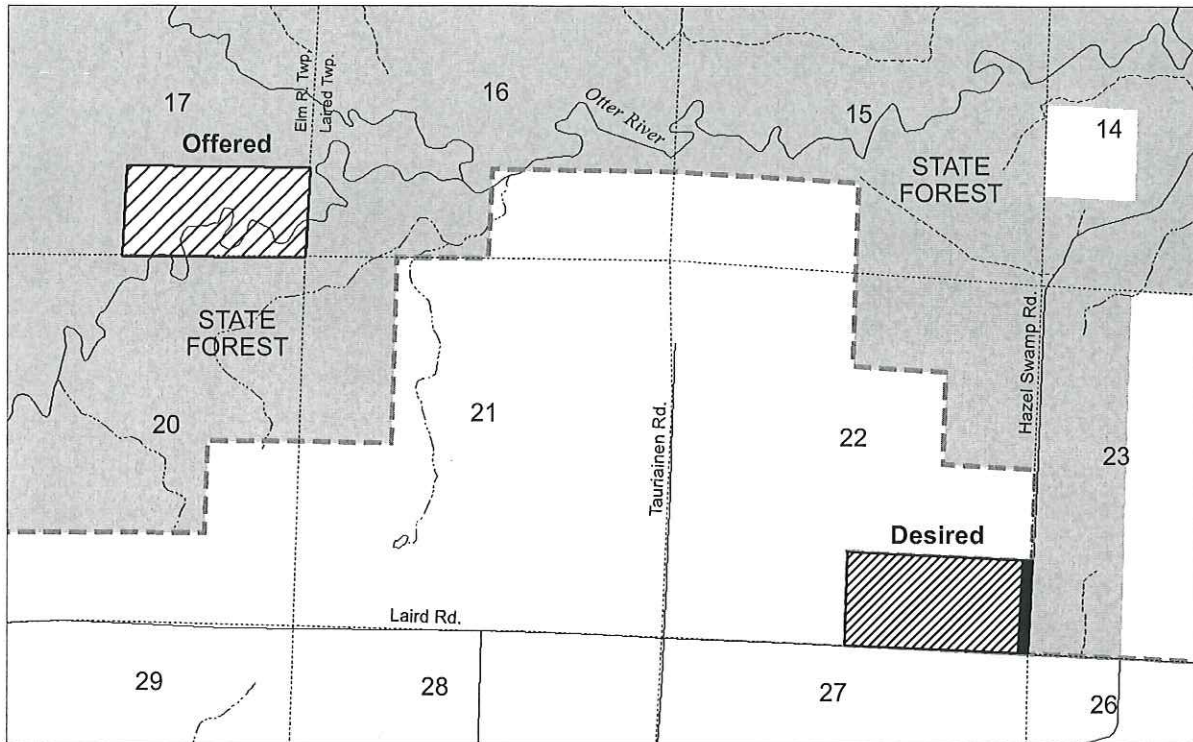
2/8/18

Date Approved

STATE FOREST LAND EXCHANGE

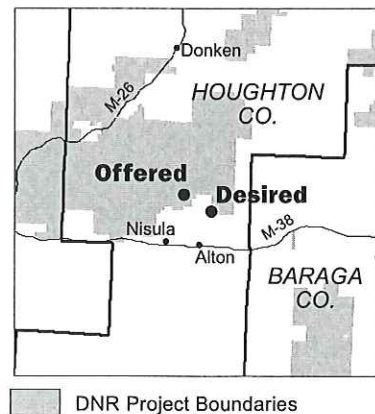
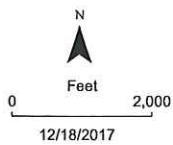
Baraga Management Unit – Houghton County

Land Transaction Case #20150156



Section 17, T51N, R35W, Elm River Township
Section 22, T51N, R35W, Laird Township

- Land offered to DNR in exchange (80 acres)
- State land desired from DNR (80 acres)
- State land
- Private land
- Easement to be retained by DNR (33 ft. by 1,322 ft.)
- DNR Project Boundary





RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

January 16, 2018

TO: Keith Creagh, Director

INFORMATION: Natural Resources Commission

Transaction: State Forest Land Exchange
Traverse City Management Unit – Kalkaska County
Green Exchange
Land Transaction Case #20150194

Applicant: Robert Green, Webster, Florida.

PA 240 of 2012: PILT Estimate: \$40.00. The parcels involved in the exchange are north of the Mason-Arenac county line and will result in no net change of counted acres.

Private Land Offered in Exchange: 10 acres

Location: Kalkaska County, Cold Springs Township, T28N, R06W, Section 06:
The SW 1/4 of the NE 1/4 of the fractional SW 1/4.

Value: \$ 20,000.00

State Land Desired in Exchange: 10 acres

Location: Kalkaska County, Cold Springs Township, T28N, R06W, Section 06:
The SE 1/4 of the SW 1/4 of the NW 1/4.

Value: \$ 20,000.00

Authority: Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Notice: This item will appear on the Department of Natural Resources (Department) January 30, 2018, calendar and is eligible for approval on February 6, 2018.

Comments: The desired state land is surrounded by private ownership and has a current structural trespass on it. The applicant is aware of the trespass. The offered land will provide connectivity for access to extensive state forest land.

The desired state land was acquired by exchange for tax reverted property in 1957.

The state will convey mineral rights on the desired parcel and the applicant will convey mineral rights on the offered parcels.

The proposed land exchange was reviewed and recommended for approval by the Land Exchange Review Committee on April 21, 2016.

Engagement: Letters were mailed to Kalkaska County and Cold Springs Township notifying them of this exchange on December 20, 2017.

- Recommendation(s):
1. That the exchange be approved, with the state reserving aboriginal antiquities.
 2. That the offered land be dedicated as part of the Traverse City Management Unit.



Russ Mason, Ph.D., Chief
Wildlife Division



Deb Begalle, Chief
Forest Resources Division



James L. Dexter, Chief
Fisheries Division



Ronald A. Olson, Chief
Parks and Recreation Division



William O'Neill
Natural Resources Deputy



Mark H. Hoffman
Chief Administrative Officer

I approve the staff recommendations.



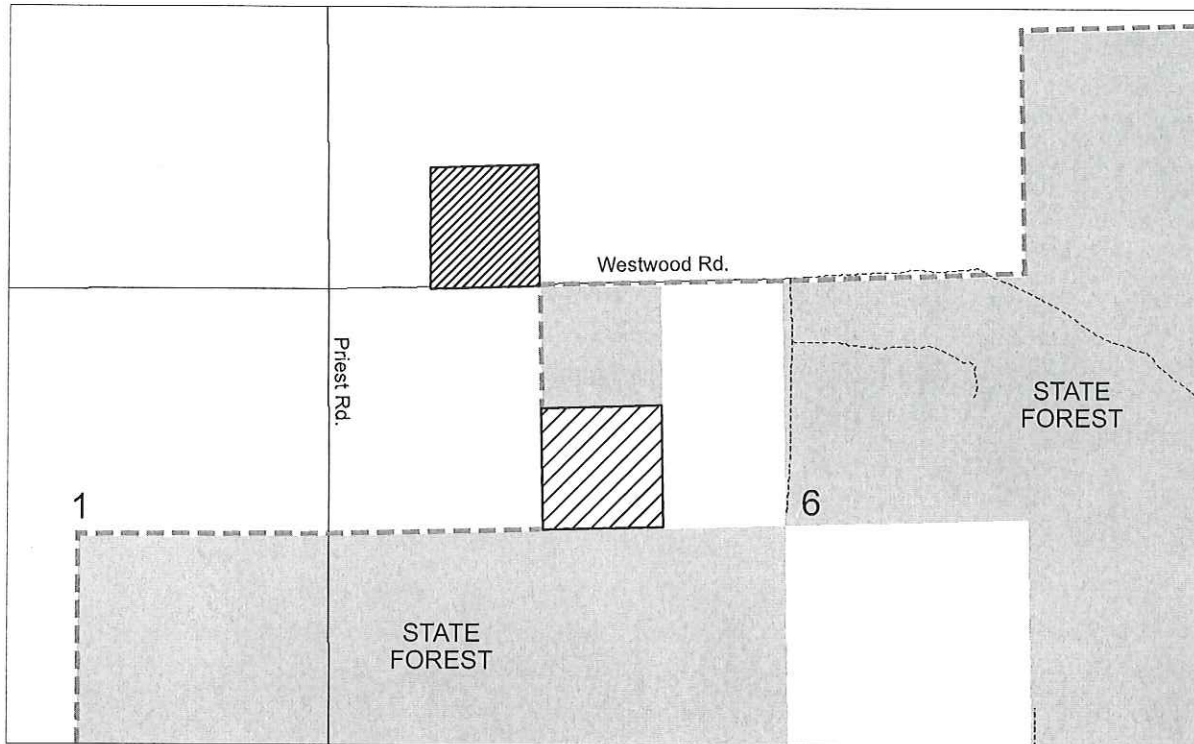
Keith Creagh
Director

2/8/18






Date Approved

STATE FOREST LAND EXCHANGE

Traverse City Management Unit – Kalkaska County
Land Transaction Case #20150194



Section 6, T28N, R06W, Cold Springs Township

-  State land desired from DNR (10 acres)
-  Land offered to DNR in exchange (10 acres)
-  State land
-  Private land
-  DNR Project Boundary

